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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,577	09/27/2001	Ryoichiro Uehara	05711.0122	9686

7590 05/11/2004

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EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Application No. 09/963,577	Applicant(s) UEHARA ET AL.	
	Examiner James R. Brittain	Art Unit 3677	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 13 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
**ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
2. ☒ The proposed amendment(s) will not be entered because:  
(a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ they raise the issue of new matter (see Note below);  
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: 10 and 11.

Claim(s) rejected: 1,3,4,7,8 and 12.

Claim(s) withdrawn from consideration: None.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.  
10. ☐ Other: \_\_\_\_\_

  
James R. Brittain  
Primary Examiner  
Art Unit: 3677

Continuation of 2. NOTE: The passage "and butting portions including straight portions, which are formed on the right and left side faces and continuous to the straight portions of said butting portions including the straight portions and the concave portion or the convex portion, and at least one straight portion, which is formed on the other surface of the front and rear surfaces and is continuous to the straight portions formed on the right and left side faces" (claim 1, lines 8-13) is a new issue and unclear in context. The defining of butting portions on the left and right side faces, which include straight portions, that are continuous, so far as understood, with the straight portions of the front or rear surfaces is a new issue meriting further search and consideration with respect to the art and with respect to clarity. It appears that applicant may be seeking to define continuous butting surfaces extending around the buckle, but the claim language is not clear. For instance, butting portions and straight portions are defined upon both "at least one of the front and rear surfaces" (claim 1, line 7-8) and now newly claimed herein "on the right and left side faces" (claim 1, line 9) and this is followed by language "and continuous to the straight portions of said butting portions including the straight portions and the concave portion or the convex portion" (claim 1, lines 9-11) and this last passage is unclear because there are multiple "butting portions" and "straight portions", some on the front and rear surfaces and some on the left and right side faces and it is unclear which applicant is referring to, i.e. the terms lack proper antecedent basis and the reference "the concave portion or the convex portion" (claim 1, line 11) is unclear in context. Additionally, the indication of the "peripheral corners of the straight portions on the right and left side faces are notched so as to form a one level lower stepped portion" (claim 1, lines 22-23) is a new issue requiring further search and consideration. None of these above identified issues were presented previously by applicant in the claimed subject matter because the left and right side faces were not identified as having claimed butting portions with straight portions continuous with the straight portions on the front and rear surfaces.

Continuation of 5. does NOT place the application in condition for allowance because: While applicant has presented arguments generically with respect to "the cited prior art" (beginning on page 6, line 13) followed by a long listing of structure and briefer arguments with respect to the specifically applied art of JP 8-131215, Krauss and Isenmann on page 7, line 21 through page 8, line 5, the arguments for the specifically applied art are not persuasive nor commensurate with the proposed amendment that now prominently includes a continuous relationship in claim 1, lines 10 and 12. This prominent continuous relationship is not argued with respect to the specifically applied art and is a new issue requiring further consideration.